



PATENT
Attorney Docket No. 401265/FUKAMI

#7 Election
J. McMillan
11/1/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Yoshihiko TOYODA

Application No. 09/892,603

Art Unit: 2826

Filed: June 28, 2001

Examiner: L. Andujar

For: SEMICONDUCTOR DEVICE AND
MANUFACTURING METHOD
THEREOF

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated October 1, 2002, please consider the following remarks.

REMARKS

In response to the Official Action mailed October 1, 2002, Applicant provisionally elects the alleged species 1 encompassed within claims 1-5. Therefore, claims 1-5 should be immediately examined.

It is not necessary to make the election with or without traverse. It is never necessary to specify whether an election in response to an species identification is made with or without traverse where, as here, there exists a generic claim. Claim 1 is clearly generic as to claims 1-10 because it is the only independent claim in the group and all of the claims depend directly or indirectly from claim 1. The Examiner's statement that there is no generic claim pending is obviously erroneous and Applicant requests, in the next communication that the Examiner acknowledge the generic status of claim 1.